IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11077 of 2004

Between:

APSRTC, Rep. by its Managing Director,
Musheerabad, Hyderabad.

..... PETITIONER

AND

1 The State Transport Appellate Tribunal, Manoranjan Complex, M.J. Road, Nampally,
A.P.,Hyderabad - 500 001, rep. by its Presiding Officer.
2 Regional Transport Authority, Nellore Dt, at Nellore,
Rep. by its Secretary.
3 Sri P. Penchala Reddy, S/o. Ranga Reddy,
R/o. 13/144, Kapu Street, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction, especially in the nature of Writ, order or direction especially in the nature of Writ of Certiorari calling for the records relating to the impugned order dt. 9-3-2004 made in A.P.91/03 on the file of the State Transport Appellate Tribunal, A.P., Hyderabad in setting aside the order dt. 19-12-2002 in item No. 90 in R.No. 17702/A3/2002 and directing issue of permit to 3rd respondent on the route DSRG Hospital to Indukurpet and quash the same as being hit by the provisions of section 68(3)(ca) and 104 of M.V. Act, 1988

Counsel for the Petitioner:MR.KALLAKURI SRINIVASARAO

Counsel for the Respondent Nos.1 and 2: GP FOR TRANSPORT

Counsel for the Respondent No.3: Mr.P.RAJAGOPALACHARY

The Court made the following :

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ORDER:

Heard both the learned Counsel and at their request the main Writ Petition itself is taken up for disposal at the interlocutory stage.

2. The petitioner, which is a Corporation, seeks to assail the orders dated 09-03-2004 passed in A.P.No.91 of 2003 on the file of the respondent No.1-The State Transport Appellate Tribunal, wherein the 1st respondent herein setting aside the order dated 19-12-2002 in item No.90 in R.No.17702/A3/2002 and issued permit to 3rd respondent herein on the route DSRG Hospital to Indukurpet.

3. Though several contentions are sought to be urged across the bar, but however, the principal question involved in this Writ Petition is squarely covered by the Full Bench decision of this Court reported in A.P.S.R.T.C. vs. S.T.A.T.

4. It is submitted by the learned Counsel for the petitioner that the said judgment was already stayed by the Supreme Court. However, Sri P.Rajagopalachary, the learned Counsel for the 3rd respondent herein, submits that the said decision is applicable to the facts of the present case.

5. Having regard to the said submissions and in view of the principles as laid down by the Full Bench of this Court, I do not find any merits to entertain the Writ Petition.

6. The Writ Petition is, accordingly, dismissed. No costs.

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B.PRAKASH RAO, J.

Dated 28-07-2004.

SKMR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Presiding Officer. State Transport Appellate Tribunal , Manoranjan Complex,

M.J.Road, Nampally, AP. Hyderabad -500 001.
2 Secretary, Regional Transport Authority, Guntur Dt., at Guntur,
3. 2CCs to G.P. for Transport, High Court Buildings, Hyderabad,

A.P.(OUT).

4. 2CD copies.